Eastern Europe Studies Centre

OVER THE HEDGE

THE FREEDOM OF SPEECH IN BELARUS AND LITHUANIA



"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Article 19, the Universal Declaration of Human Rights

Franciscus Skorina (1490 – 1541), archetypical figure of the Belarusian culture, was the first to publish the Bible in the language of the East Slavs. He was one of the first publishers in entire Eastern Europe. Living in the 16th century, he was not familiar with the article adopted and proclaimed by the United Nations in 1948. However, it is not difficult to make a presumption that he would have fully adhered to the logic and the spirit of the article.

Born in Polotsk, Skorina was the founder of the first publishing house in the Grand Duchy of Lithuania, and ever since he remains a prominent figure in the history of Vilnius. Skorina studied and worked in Krakow, Padua and Prague. He is often called the founder of the Vilnius press, which "had an impact on the development of cultural and social life in entire Central and Eastern Europe."[1] The start was promising and the printed media had remarkably developed throughout the subsequent five centuries since the times of Skorina.

Many could anticipate that the status of the freedom of speech and especially the freedom of the press would be rather similar in the neighbouring countries of Belarus and Lithuania of today. This publication will look at whether this is the case.

The previous issues of the "Over the Hedge" series compared aspects of everyday life, as well as the state of affairs as regards civil society in Belarus and Lithuania. This issue will not focus on the economy, neither on the other societal developments. It will closely examine the freedom of speech, which is a crucial element of our lives. Freedom of speech is essential as it affects our daily behaviour both in the public and in the private sphere; it severely influences education processes and our relations within the family, with relatives, friends, neighbours and colleagues.

[1] Venclova Tomas, Vilnius – A Guide to Its Names and People, Vilnius: R. Paknio leidykla, 2009, p. 51.

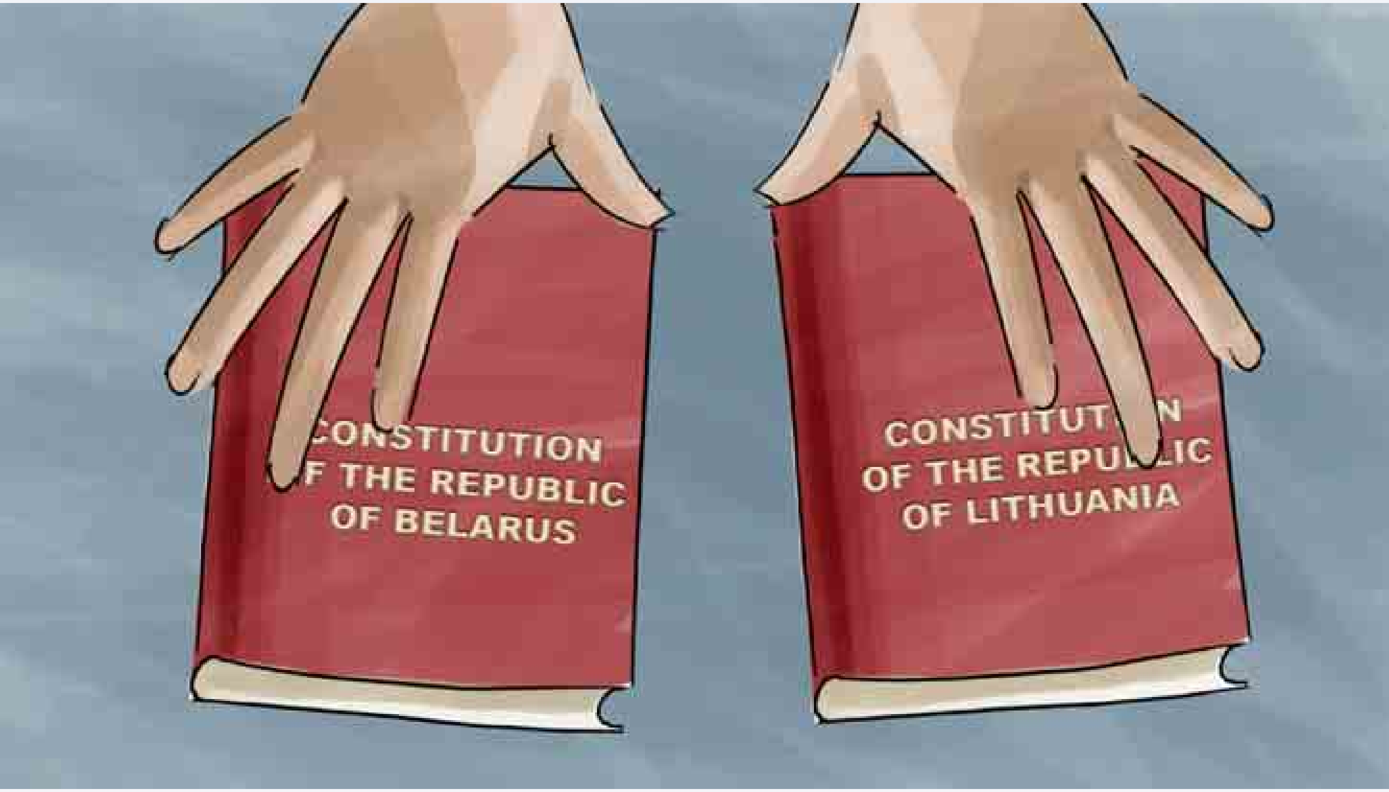


Every person has his/her own opinion and expects to communicate his/her point of view without any interference or harassment. The individual denied this freedom would hardly lead a meaningful life in nowadays societies.

The objective of this issue, therefore, is to compare the freedom of speech in Belarus and Lithuania. Are people able to speak openly in the streets and in public transport? What is the legal framework of the freedom of speech in Belarus and Lithuania? Do people enjoy the independent media – newspapers, television channels, radio and the internet? Do they have access to objective and unbiased information? Can they criticize their respective governments? Is the profession of a journalist respected and held in high esteem in the two neighbouring countries?

It is widely acknowledged that in many cases mass media plays the watchdog role over government activities and provides citizens with independent information. Nonetheless, the media needs to follow certain principles, to have a code of ethics, otherwise, the society might be disturbed by a massive influx of information from unreliable sources and unverified data. On the other hand, if the media is rigorously controlled, it could become a powerful tool of manipulation. It could also become a gatekeeper from spreading and sharing innovative ideas, advice and critical thinking, thereby denying the society access to independent and alternative information. This ultimately leads to a situation where communication channels are limited, if not closed, and the bottom-up communication is changed into the top-down one.

This analysis is not intended to evaluate whether the mass media in Belarus is better or worse than that in Lithuania. The authors will compare the legal framework, the statistical data and will provide some factual examples to illustrate the current state of affairs in both countries. The conclusion is for the reader to make.


CONSTITUTION
THE REPUBLIC
OF BELARUS
OF THE REPU
OF LITHUANIA

THE CONSTITUTION

The starting point for this comparison is an assessment of the legal framework. The supreme legal document in both Belarus and Lithuania is the Constitution.

The Constitution of Belarus was adopted in 1991. It defines the relations and ties between the branches of power and determines the rights and freedoms of its citizens. The Constitutions of both countries were amended several times, but the amendments, at least in theory, did not have any influence on the freedom of speech.

Both Constitutions devote separate articles to the freedom of speech and, as shown, the main ideas expressed in both texts are similar. Both Constitutions reflect the conviction transferred from Western Europe that freedom of speech is an unquestionable value. The Constitution of Belarus even explicitly condemns and prohibits monopolisation of the mass media.

Based on this information, one could assume that, at least in theory, the status of the freedom of speech should be similar in both countries. What is the reality, however? Are not some of the statements merely declarative slogans?



The Constitution of Belarus, Article 33	The Constitution of Lithuania, Article 25
“Everyone is guaranteed freedom of thoughts and beliefs and their free expression. No one shall be forced to express his beliefs or to deny them. No monopolisation of the mass media by the State, public associations or individual citizens and no censorship shall be permitted.“	“The human being shall have the right to have his own convictions and freely express them. The human being must not be hindered from seeking, receiving and imparting information and ideas. Freedom to express convictions, to receive and impart information may not be limited otherwise than by law, if this is necessary to protect the health, honour and dignity, private life, and morals of a human being, or to defend the constitutional order.“



THE FREEDOM OF ASSEMBLY

Every person has something to say, even those who are rather introvert and humble and only rarely express their personal opinions. The right to speak one's mind freely and to have an opinion is safeguarded by the UN Universal Declaration of Human Rights. Nearly all countries in the world, including Lithuania and Belarus, have committed themselves to follow its principles. However, is it indeed possible to “climb the barrel“ and say out loud everything that one has on his/her mind, just as it used to be at ancient Greek agoras?

If an ordinary Lithuanian climbed up a barrel and started complaining to everyone about how low his retirement benefit is and how hard it is to live in Lithuania, hardly anyone would pay any attention to him, and perhaps the police might just receive a message someone is breaching public order. In Belarus, however, the events would take a different course. For example, in 2007, just before the visit of the EU Ambassadors to Minsk, Vasiliy Polyakov, one of the opposition activists, was arrested and put in prison for seven days. In court, an employee of the Department of Ideological Work gave false testimony that Polyakov had used offensive language to insult a woman at the crossroads. Polyakov was imprisoned throughout the entire visit of EU Ambassadors simply to prevent him from joining the European march and publicly addressing the Ambassadors.

The freedom of assembly is guaranteed by the laws of both states. If fewer than ten people gather to a meeting, the event is not considered to be a non-sanctioned one. Nevertheless, if one aims to organise a bigger gathering, an official approval from the authorities is needed in both states.

According to the Law on Assembly of the Republic of Lithuania, no separate permission has to be obtained for a gathering to take place; one just needs to agree on the time and the venue of the event with a local municipality five days ahead of the foreseen event.



An authorised employee of the municipality may issue an authorisation document confirming the agreed venue and the form of the assembly, or refuse to issue the document if the security of the state of the public, public order, public health and well-being or rights and freedoms of other individuals are threatened.

INFORMATION TO BE PROVIDED IN THE DOCUMENT ON THE PLANNED ASSEMBLY

Lithuania	Belarus
Form and content of assembly;	Aim, form and venue of assembly;
Date of assembly, its start time/end time;	Date of assembly, its start time/end time;
Meeting venue, itinerary of demonstrations or marches;	Itineraries envisaged;
First names, last names and residential addresses of at least two organisers or their authorised persons;	First names and last names of organisers, their residential and work addresses;
Requests to police regarding maintenance of public order;	Measures to be undertaken to maintain public order and security;
Number of participants envisaged.	Measures to be undertaken to ensure medical aid and to clean up the venue after the assembly;
	Date of application for the permission to hold an assembly.



Therefore, when an application form has been filled in and taken to an authorised employee of the municipality five days in advance, three days later the answer will be given on whether or not a meeting, a protest action or another kind of assembly may be held at the desired venue and time.

Meanwhile in Belarus, relevant laws have a similar treatment of the freedom of assembly, with an exception of the following differences: in Belarus, permission, rather than an authorisation document, is required; one has to notify the authority institutions fifteen days, rather than five days, in advance and has to provide more information.

Still, this might not be enough. For example, Belarusian activist, Deputy Chairman of the Gomel regional organisation "United Civil Party" (UCP), Vladimir Katsora was in correspondence with the head of the regional Ideology Department concerning the following question: the Gomel City Executive Council issued the instruction for the Ideology Department to prepare all the necessary examples of documents for an application to hold a meeting. However, the Department did not take any actions for realisation of this instruction. Moreover, the Ideology Department did not respond to any letter of the Belarusian activist.

Obviously, such omission from the ideology department was done on purpose, in order to prevent a meeting, planned by Belarusian activists.



THE FREEDOM OF THE PRESS

If an ordinary Lithuanian or Belarusian prefers to put their ideas in black and white, rather than to orally present them to an audience, he/she may express his/her opinion in an article. In Lithuania, there are over 300 periodicals while the Lithuanian Journalist Union comprises over 800 members. In Belarus, the relevant numbers are somewhat different: there are as many as 605 magazines and 657 newspapers, of which 212 are state newspapers, and the significant part of non-state newspapers belong to local authorities.

It should be pointed out that nearly an absolute majority of the private press is of entertaining character and do not perform a function of informing the society. Information editions, which are truly independent from the authorities, are few. These are the newspapers “Nasha Niva“ (“Our Field”), “Narodnaja volja“ (“The People's Will“) and “Belarusskaja delovaja gazeta“ (“The Belarusian Business Paper“). Meanwhile in Lithuania, state press was banned de jure as early as 1995, and de facto 1996; the only publication that keeps Lithuania's public up to date with the newly released legislative acts is the monthly “Valstybės žinios“ (“The State News”).

To compare, the majority of non-state newspapers in Belarus have been removed from the dissemination system of the state media; therefore, if one seeks to express their opinion, they will most probably have to publish it in the state-owned press. On the other hand, the opinion presented through the state press must coincide with the official view of Minsk; otherwise, severe sanctions may be applied.

Experience of Belarus abounds in examples when newspapers were confiscated, their printing banned, permissions denied or mere state racketeering executed. A similar event in Lithuania took place just once, when in September 2006, 15,000 copies of the edition of the “Laisvas laikraštis“ (“The Free Newspaper”) were arrested. The editor of the newspaper financed by Lithuania's former President Rolandas Paksas, who had been removed from office by an impeachment, was arrested, his computer confiscated and his website shut down. The Lithuanian State Security Department motivated these actions by issuing a statement that the newspaper was about to publish secrete and sensitive information on a death of the office of the Lithuanian State Security Department Vytautas Pociūnas.


PRESS FREEDOM
GERMANY
USA
LITHUANIA
GREAT BRITAIN
CUBA
BELARUS
NORTH KOREA

Figures and assessments by international organisations complement the discussion. Thus, according to various press freedom surveys conducted by miscellaneous organisations, which assess the independence and objectivity of the media of over 170 countries, Belarus and Lithuania take opposite poles. The Freedom House assessment concludes that the situation in Lithuania is consistently good, whereas that in Belarus is consistently bad. Although the dynamics of the organisation Reporters without Borders is somewhat different, the overall assessment is similar: according to restrictions to independent media, Belarus ranks among the 10 worst countries, in the same group with Burma, Cuba, Iran, Libya, North Korea, etc.

GLOBAL PRESS FREEDOM RANKINGS IN 2011 (OUT OF 196 COUNTRIES)[2] AND THE STATUS OF INDEPENDENT MEDIA BY FREEDOM HOUSE

Ranking 2011		2003	2004	2005	2006	2007	2008	2009	2010
190	Belarus	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.5
36	Lithuania	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75

PRESS FREEDOM INDEX (OUT OF 178 COUNTRIES)[3] BY REPORTERS WITHOUT BORDERS

Ranking 2010		2003	2004	2005	2006	2007	2008	2009	2010
151	Belarus	52	54.1	61.33	57	63.63	58.33	59.50	57
11	Lithuania	2.83	3	4.5	6.5	7	4	2.25	2.5

[2] http://freedomhouse.org/images/File/fop/2011/FOTP2011GlobalRegionalTables.pdf
[3] http://en.rsf.org/press-freedom-index-2010,1034.html



RADIO AND TELEVISION

Early in the morning radio waves
Go right through me as they always do,
The ether yells in a thousand voices,
But I can't find the one that belongs to you.

Andrius Mamontovas “Mono or Stereo“

No ORT, - it's boxing and basketball,
No NTV[4] *– it's hockey and soccer!*
Everyone gets a free balloon,
A lollipop and a fancy key fob!

Lyapis Trubetskoy “Manifest“

Radio stations	Lithuania	Belarus
State	4	135
Private	51	23
TOTAL	**55**	**158**

Most certainly, citizens can speak their mind on the air, too. In Belarus, the selection of radio stations (158) is much wider than that in Lithuania (55). However, even private Belarusian radio stations (which constitute as little as 14,5%) are subordinate to local municipalities and, therefore, are totally dependent upon the central authority.

Nevertheless, Belarusians can still hear an independent opinion on any of the seven radio stations broadcasted from neighbouring countries. For example, the following radio stations may be referred to as independent: “European Radio“ (“Европейское радио“), “Radio Palonia“ (“Радые Палония“) and “Radio Racija“ (“Радые Рацыя“) from Poland, “Radio Svoboda“ (“Радые Свабода“) from Czech Republic and “Deutsche Welle“ (“German Wave”) from Germany. On the other hand, it should also be added that 25,4% trust foreign radio stations while 34% are convinced that those misrepresent the events in Belarus.

[4]ORT and NTV are major Russian TV-channels (Translator's note).



TV channels	Lithuania	Belarus
State	3	29
Private	62	49
TOTAL	**65**	**78**

The situation with the TV is rather similar. Nearly two thirds of the TV programmes in Belarus are broadcasted by non-state broadcasters; however, there are no independent television channels in the country.

According to the experts, the only independent television is "Belsat", which broadcasts from Poland. The reasons why this television has not been granted accreditation to broadcast from Belarusian territory are uncertain. The project was initiated by the Polish television under the auspices of the Polish and Lithuanian Ministries of Foreign Affairs, the US Department of State, authority institutions of Great Britain and Ireland, the Nordic Council of Ministers, etc.

Lithuania has a total of 65 TV channels broadcasted by 51 broadcasters, of which only one is national. Nevertheless, it is not perceived as distinct in surveys conducted in Lithuania. Overall, the findings reveal that over 37% of the country's residents trust Lithuanian media while 20.2% do not.

It should be kept in mind that numbers of the TV channels in both countries always change. In Lithuania, new TV channels are set up as others go bankrupt. Meanwhile in Belarus, some events raise a suspicion that number of TV channels fluctuates for reasons other than those of the market economy. Five Russian channels have been closed due to controversial reasons. The official explanation is that the channels were closed for economic reasons (since they had raised their rebroadcast fees) and that they did not conform with the Belarusian media law; however, other opinions circulate as well.

Firstly, the Belarusian media always had to sustain itself on its own, while the more popular Russian channels earned more from advertising. Secondly, after the Russia-Belarus gas conflict, the Russian TV channels began to disseminate negative information about Alexander Lukashenka and feature various programmes that derided the dictator of Belarus, which resulted in censoring of the programmes before rebroadcasting them in Belarus.



THE INTERNET

It seems that the public space in Belarus is far more restricted than that in Lithuania. If individuals want to express their opinions, they should look for domains and ways other than traditional mass media or public gatherings. The rapidly-growing world of new technologies is increasingly becoming dependent on the internet, as well as other means of communication; hence, their propagation has a strong impact on the dissemination of information. The figures below show that new generation's means of communication (e.g., mobile communications and the internet) enjoy a much wider use in Lithuania than in Belarus.

Country		Lithuania		Belarus		Difference LTU/BY %
Number of landline phones users	Per 1000 people	784,900	221,39	3,718,000	386,78	57%
Number of mobile phone users		5,023,000	1 416,79	8,693,000	900,33	157%
Number of internet pages with the country code (.by or .lt)		885,064	249,64	113,115	11,77	2 121%
Number of internet users	Per cent	1,777,000	50,12%	3,107,000	32,32%	155%



One of the most frequently asked questions in the modern sciences of political sociology is: what influence on the freedom of speech does the internet have? In the West, academic centres are set up as new scientific trends investigate the impact of the internet on the freedom of the press, dissemination of democratic ideas and quality assurance. In order to provide a space for the freedom of expression, adequate conditions have to be created. In terms of the number of internet users, Lithuania clearly outdoes Belarus; however, it is the difference in the number of internet pages with the country code that is the most striking.

One of the explanations why the number of pages ending in .by is lower than the number of pages ending in .lt is that large numbers of Belarusians use Russian pages. Another reason is that, unlike Lithuania, it is far more difficult to create a page ending in the relevant country code in Belarus than in Lithuania.

Criterion	Lithuania	Belarus
Dissemination of the internet	+	–
Accessibility of the internet	+	–
Number of internet pages with the country code	+	–
Absence of censorship on internet pages with the country code	+	–



In accordance with Lukashenka's decree, the Operational and Analytical Centre (OAC) under the authority of the President is responsible for the supervision of internet providers. The Centre is authorised to grant the right to telecommunications companies to provide internet services (the right may be denied by the decision of the Council of ministers while explicitly stating formal reasons). The Centre also regulates access to the World Wide Web. The decree is vaguely formulated so that the accusation could be easily falsified in order to be able to close any internet page. The document also points out that any non-registered internet page or website "storing extremist materials" shall be blocked. In this way, the authorities can shut down any oppositional page, even if the latter has been moved to a foreign server.

Finally, the accessibility of the internet in both countries is very different. For example, as regards the accessibility of fiber-optic internet, Kaunas ranks third in the world. Speaking of Lithuania in general, in city centres as well as cafes, restaurants and supermarkets, free wireless internet is widely available. To access the internet service in a Minsk cafe, on the contrary, the users will be asked to provide their passport so that the relevant data can be stored in an archive.

Differences in internet accessibility and use in both countries are also manifested in basic statistics: the number of fans on pages containing the word "Lietuva" or "Lithuania" on the popular social networking site Facebook ranges from 31,866 to 123,353, whereas the relevant number on pages containing the word "Беларусь" or "Belarus" ranges from 1,952 to 5,183.



TO BE A JOURNALIST IN LITHUANIA VS IN BELARUS

An overview of the situation of the media in a given country must include an assessment of the status of a journalist in that country. To be referred to as a journalist in Lithuania implies a professional affiliation - one has to belong to a professional association or to have a valid contract with a provider of public information. Meanwhile in Belarus, a private person may be considered a journalist if he/she, in accordance with a contract, type, proofread and prepare information materials for a legal body, which has been granted a permission to engage in the dissemination of information.

It should be mentioned, however, that journalism is both an interesting and dangerous profession.

AN OVERVIEW OF THE DEATHS OF THE JOURNALISTS IN THE TWO COUNTRIES (1993 – 2010)

COUNTRY First name, last name	Year	Place of work	Place of murder	Circumstances
BELARUS				
Alexander Chulanov	1994 03 01	Belarus National Television	Minsk	Alexander Chulanov, special correspondent of Belarus' National State Television was found murdered in his apartment in Minsk on March 1, 1994. The cause of his death remains unknown although neutral sources maintain that one of the causes of his death could be the fact that Chulanov had made a footage of Russian and Belarusian racketeers on Polish territory.
Mykhailo Kolomyets	2002 10 30	Ukrainski Novyny	Mala-dzechna	Co-owner of Ukrainian news agency “Ukrainski Novyny“. On October22, 2002, Kolomyets left for Belarus and disappeared. Eight days later he was found hanging nearby the city of Maladzechna. Despite assertations by Liubov Ruban, Kolomyets' girlfriend and a witness, that in his telephone call to her, Kolomyets had spoken of committing suicide, his colleagues suspect this murder may have political reasons and was committed either because the “Ukrainski Novyny“ disseminated independent information about Belarus, or because Kolomyets held a large share of the agency's block of stock.
Dmitry Zavadsky	2003 11 28	ORT	Minsk	Until 1996, Zavadsky was Lukashenka's personal cameraman. Belarusian authorities suspected that Zavadski, as well as his colleague Pavel Sheremetyev, had made footage of Belarusian special forces soldiers fighting alongside Chechenians against Russians in the Chechen war. Zavadsky disappeared on July 7, 2000. Convicted of abduction and murder, Valery Ignatovich and Maxim Malik were sentenced to imprisonment. Nevertheless, independent sources maintain that Ignatovich and Malik merely became scapegoats, while Zavadsky's death was a political murder carried out by the special force “Death Squad” subordinate to Lukashenka. The investigation was not transparent, the hearing proceeded in closed session, which even attracted the attention of the Council of Europe; however, court documents were never made public.

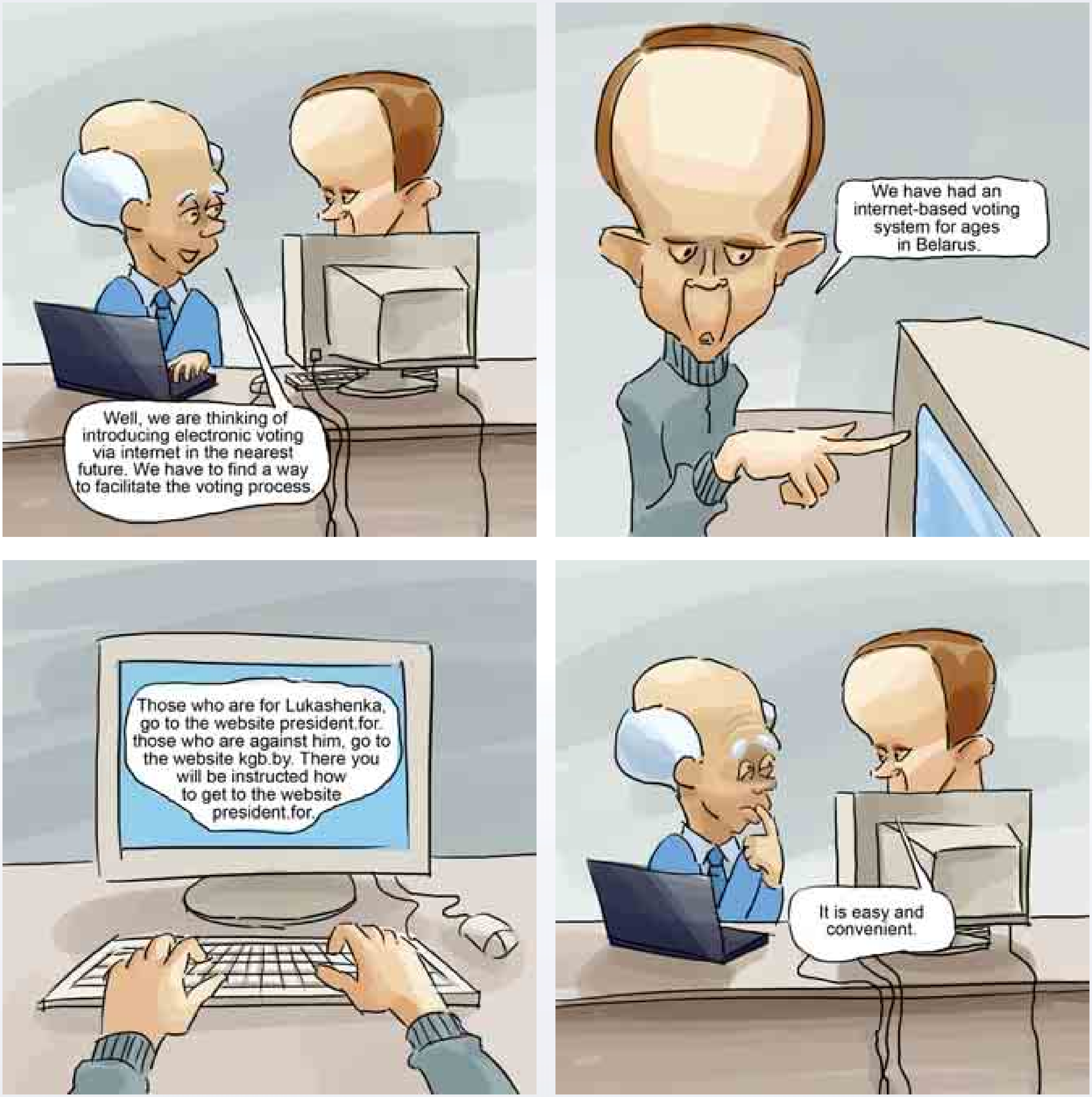
AN OVERVIEW OF THE DEATHS OF THE JOURNALISTS IN THE TWO COUNTRIES (1993 – 2010)

COUNTRY First name, last name	Year	Place of work	Place of murder	Circumstances
Veronika Cherkasova	2004 10 20	Solidarnost	Minsk	From May 2003, Veronika Cherkasova worked for the opposition newspaper "Solidarnost". On October 20, 2004, she was found dead in her flat in Minsk, her body had 20 stab wounds. Since no traces of invasion or robbery had been found, the Ministry of Internal Affairs announced that Cherkasova had been killed during a family fight. Nevertheless, her colleagues maintained that, a few months before her death, Cherkasova had started to write a series of articles entitled "The KGB is still watching you".
Vasily Grodnikov	2005 10 17	Narodnaya Volya	Minsk	Vasily Grodnikov was a freelance journalist who wrote on the social situation in Belarus for miscellaneous newspapers, including the opposition newspaper "Narodnaya Volya" ("People's Will"). He was found lying in a pool of blood in his flat. Members of Grodnikov's family said that, although there were no signs of home invasion, everything inside was turned upside down, blood stained everywhere, and there was a large wound on the side of Grodnikov's head. The Ministry of Home Affairs, however, made the conclusion that the cause of death was choking.
Oleg Bebenin	2010 09 03	Chartija 97	Minsk	Oleg Bebenin was one of the most active activists of Belarusian opposition, founder of the website „Charter'97" and member of campaign team of Andrei Sannikov, opposition candidate for President of Belarus. After having disappeared unexpectedly, he was found hanging in his summerhouse; however, testimonies of independent witnesses as well as the non-transparent investigation process suggest that Bebenin had been hanged.
LITHUANIA				
Vitas Lingys	1993 10 12	Respublika	Vilnius	Lingys investigated and wrote on the activities of criminal groups. With respect to this murder, four persons were arrested and convicted: for ordering the murder, Boris Dekanidze was sentenced to death, which was executed with a single shot to the back of his head; Igor Achremov was charged with having executed the murder and sentenced to life imprisonment (the sentence was commuted to 25 years of imprisonment); the accomplices Viacheslav Slavickiy and Boris Babichenka were sentenced to 14 years and 13 years and 3 months of imprisonment respectively.

INSTEAD OF A CONCLUSION




Is there the freedom of speech in Belarus?
Of course, there is!
But nowhere it is written that you will remain free after the words you have uttered freely.


Well, we are thinking of introducing electronic voting via internet in the nearest future. We have to find a way to facilitate the voting process.
We have had an internet-based voting system for ages in Belarus.
Those who are for Lukashenka, go to the website president.for. those who are against him, go to the website kgb.by. There you will be instructed how to get to the website president.for.
It is easy and convenient.


I want to live in Belarus!
You already live in Belarus!
Not really. I want to live in the Belarus as shown on TV


What is freedom of speech?
Say whatever you want whenever you want.
What an anarchist! Freedom of speech is the recognised necessity to keep silent.





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